

Section I

Introduction to Land for Maine's Future Board & Program

Land For Maine's Future Board & Staff

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Program Background

The Land for Maine's Future Fund was revitalized in the Fall of 2005 when Maine voters approved a \$12 million bond to finance the acquisition of lands and interests in lands for conservation, water access, outdoor recreation, fish and wildlife habitat, and farmland. This bond also includes \$2 million for preservation of working commercial waterfronts. The fund is managed by an 11-member board, of which six are private citizens, four are state agency commissioners, and one is the Director of the State Planning Office. The Land for Maine's Future Program at the State Planning Office is responsible for all activities relating to acquisitions.

The Legislature included several new provisions in the 2005 bond. These are indicated below and are reflected throughout the Proposal Workbook.

- A pilot program funded at \$2 million was created to support preservation of working commercial waterfronts along Maine's coast. This program is under development and is not discussed further in this workbook.¹
- \$5,000,000 Match Requirement -- \$5 million from non-LMF sources is required to match the \$10 million paid by LMF. Further description of match requirements can be found under each proposal section.
- \$ 8 million is allocated for conservation and recreation.
- \$ 1 million directed to the Public Access to Maine Waters Fund.
- \$ 1 million must be made available to protect farmland.
- As has been the case from 1999 on, sites of local and regional significance may now be considered and payments may be made directly to cooperating entities with title remaining with the cooperating entities, subject to terms and conditions in a project agreement that is enforceable by the State to ensure the lands are used for the purposes for which they were acquired. As part of the 2005 Bond, the Legislature has directed the LMF Board to give preference "to acquisitions ... that achieve benefits for multiple towns and that address regional conservation needs including public recreational access, wildlife, open space or farmland."

¹ For further information contact Cindy Smith, Department of Marine Resources (Tel # 624-6550, email csmith@maine.gov) or Jim Connors, State Planning Office (Tel. 287-8938, email jim.connors@maine.gov)

Needs Assessment

The Board conducted its original needs assessment in 1988, which consisted of public participation/outreach and the establishment of priority land categories, including the nine legislatively mandated land types found in the LMF statute. This list created the foundation of the Land for Maine's Future Program's detailed land classification types:

- Recreational Lands
- Water Access Lands
- Lands Supporting Vital Ecological or Conservation Functions and Values
- Rare, Threatened, or Endangered Natural Communities, Plants, or Wildlife Habitat
- Areas of Scenic Interest and Prime Physical Features
- Farmland and Open Space

In 1996, Governor King established by Executive Order the Land Acquisition Priorities Advisory Committee (LAPAC). This committee performed a new needs assessment and its recommendations form the basis for some of the updates in this workbook, most notably what is referred to as the "LAPAC Multiplier" found in the Conservation and Recreation Lands Scoring System on page 34 of this workbook. LAPAC's final report is available from the Maine State Planning Office and on the LMF website. Experience in the four funding rounds under the 1999 bond issue has demonstrated the continued validity and value of the LAPAC priorities.

These goals and recommendations were reviewed and confirmed in 2004 as part of an independent program evaluation conducted by the Edmund S. Muskie School of Public Service and the Margaret Chase Smith Center for Public Policy.

Policy - Guidelines - Process

The Land for Maine's Future Board follows well-established policies and guidelines as it conducts its business. The following is a brief summary of the most important of these. Please contact LMF staff with any questions.

Primary Purpose of the Program - The primary purpose of the Land for Maine's Future Program is to conserve undeveloped land in its natural state.

Willing sellers only - A Board policy since 1987. The Board requires signed consent from the owner(s) of land being proposed for consideration in advance of any Board discussion of a property.

Purchase Price Determined by Appraised Value - Board policy is to determine fair market value of a property or an easement through a qualified appraisal and to base acquisition price on appraised value. Appraisals should follow the Appraisal Standards found in Appendix E and/or F.

Purchases Above Appraised Value Strongly Discouraged - The Land for Maine's Future Board's basic rule is that it will not entertain participation in a project where the purchase price exceeds fair market value based on an independent appraisal.

However, it is recognized that the market will, on occasion, offer opportunities that may require exceptions to the basic rule. **Applicants should be aware that this exception is rarely invoked.** The board will consider exceptions only when all of the following conditions are met:

- The public values present on the subject property are exceptional, there is imminent threat that the public values will be severely compromised if the property is not purchased immediately, and the risk of losing the opportunity is outweighed by the difference between appraised value and the asking price; and
- It is the opinion of 2/3 of the board members present and voting that the project meets these conditions.

Public Notice of Intent to Purchase - The Board publishes a ten-day advance notice of a vote to acquire property. Notices are placed in a general circulation newspaper and a local newspaper describing the property to be voted on and inviting all members of the public to submit comments in writing or to appear before the Board with comments about the proposed acquisition.

Public Participation Welcome at All Meetings - All Board meetings are open to the public and include opportunity for public input. The meetings are almost always attended by people with an interest in land conservation. Meetings are publicly noticed well in advance, including on the LMF website (www.maine.gov/spo/lmf).

Municipal and County Approval – Municipal approval is required for LMF funding when property interests representing more than 1% of a municipality's state valuation is considered for acquisition. Board policy is to encourage applicants to seek municipal input on all acquisitions. Within unorganized territories, approval of the county commissioners is required if the land value of a proposed project constitutes more than 1% of the state valuation within that county.

One Third Match - A proposal is expected to have a match greater than or equal to 1/3 of the total eligible project costs. This means that for every \$2 of LMF funds expended, there must be \$1 of match funds. (Descriptions of match guidelines are in each of the following sections of this workbook under Policy, Guidelines and Threshold Criteria.)

No Fee Acquisition of lands for Timber Production Lands - By statute, LMF is prohibited from acquiring land for which the primary use value will continue to be commercially harvested or harvestable forest land. This does not prohibit the acquisition of conservation easements in which the rights to harvest timber are retained by the land owner.

Addressing Land and Easement Management Costs - The Board now requires all applicants to address stewardship and management costs as part of an application. LMF statute requires that applicants provide preliminary estimates of the management costs associated with the project over the first 10 years of ownership. As a separate matter, non-LMF funds of up to 20 % of the appraised value of the acquired land put into the stewardship account of the state agency or cooperating entity holding title to the land may be counted as match to the project.

Providing Public Access - Public access is a core purpose of the Land for Maine's Future Program. All lands acquired through the LMF are open to the public. Exceptions may include farms, where access may not be feasible or desirable, and places where species management takes precedence or public safety may be at risk. LMF may make grants of up to 5% of the appraised value of any project to develop public access facilities, including trails, boat launching sites, parking, camping and picnicking facilities. When development rights on a farm are purchased, up to 5% can be available for business plan development and implementation.

Hunting, Fishing & Trapping – Pursuant to the terms of the 1999 and 2005 bonds, hunting, fishing, trapping and public access may not be prohibited on land acquired with bond proceeds, except to the extent of applicable state, local and federal laws and regulations.

Press releases - All press releases or advisories announcing any phase of an acquisition with LMF funds must be coordinated by the LMF staff.

Project Ownership - As part of the proposal, the applicant must specify how the project's ownership will be held. Local ownership is possible for local and regional projects. Projects of statewide significance still require an agency of the state to hold the interest acquired with LMF funds.

Where a project creates an easement that is held by a local entity (a "cooperating entity" in the words of the LMF statute which includes land trusts and municipalities), language should be added to the easement giving the State of Maine third party enforcement rights on the terms of the easement. In addition, a project agreement between the cooperating entity and the State of Maine will define the terms of the project and is recorded with the easement (see Appendix H). Because all projects have differences, the description of project goals and management expectations will change from project to project.

Similarly, where a project is owned in fee by a cooperating entity, a project agreement is signed between the entity and the State of Maine to define the terms of the project and recorded with the deed. The deed itself should also include reference to the fact that the parcel has been acquired as part of an LMF project.

Process used in reviewing conservation and farmland proposals - The Board establishes the deadline by which proposals must be postmarked and received. A potential applicant must be in contact with the appropriate sponsoring agency well in advance of this deadline. A copy of the proposal must be sent to the sponsoring agency. The process of application review culminating in project finalists being selected by the full Board, includes the following:

- Staff review and preliminary scoring of proposals.
- Scoring Committee of the Board reviews and determines final score.
- Nominations Committee of the Board reviews all proposals, identifies issues for full Board discussion, and recommends project finalists.
- Full Board reviews all proposals and selects finalists.

Due Diligence Required on All LMF Projects - Once the Board selects finalists, this sets in motion a series of process steps that must be completed to the satisfaction of the Board. In addition to these steps, the Board may place specific conditions which must be addressed before Land for Maine's Future funds are made available. Committees of the Board oversee this process, make recommendations to the Board, and determine if new information requires additional full Board review.

- Appraisal to determine fair market value. (All appraisals for acquisition of fee or easement must be reviewed and accepted by the Appraisal Review Committee of the Board and its recommendation must be approved by the full Board. The Appraisal

Review Committee may expend reasonable funds if, in its opinion, supplemental appraisal information is required in order for the Committee to proceed to a recommendation regarding appraised value.)

- Determine legal interest to be held by the State.
- Elected officials approve (organized townships) if more than 1% of state valuation or County Commissioners approve (unorganized townships) if more than 1% of county valuation.
- Publish public notice of intent to purchase and schedule Board vote, for the purpose of taking public comment.
- Draft Purchase and Sales Contract with all appurtenant conditions. If acquisition involves easement purchase, easement is drafted and finalized.
- Complete title work.
- Conduct environmental hazard assessment (Level I).
- Complete a boundary survey.
- Close on project.
- Typically after closing, ecological and archeological surveys are undertaken to assess any features of the property that may require special management.

Answers to Commonly Asked Questions

Q1. What types of land can be acquired through the Land for Maine's Future Program?

- A. Lands and interests in lands for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland. Commercial working waterfront protection along Maine's coast is accomplished under a new separate program.²

Q2. Who can be a "cooperating entity"?

- A. Private nonprofit organizations, private foundations, municipal conservation commissions, and local governments are considered cooperating entities. In addition, the Land for Maine's Future Board may designate other groups to assist the State in the acquisition and management of public lands. In cases of regionally or locally significant projects, the Board may also designate a cooperating entity as "holder of title" for a given acquisition.

Q3. Who will own the land or conservation easements acquired by the Program?

- A. Title for projects of state significance as determined by the Board will be held by the appropriate state agency. In the case of projects of regional and local significance, an approved cooperating entity may hold title providing that entity can demonstrate to the Board their ability to manage the land for the purpose for which it was acquired.

Q4. Who will manage the land acquired by the Program?

- A. Management responsibilities for the acquired lands and interests in lands will be the responsibility of the State agency or cooperating entity holding title. Management of lands held by the State may be accomplished through a partnership with a cooperating entity through a management agreement. When a cooperating entity holds the land or interest in land it will execute a project agreement with the sponsoring state agency that contractually binds the terms of the project's management. This agreement is recorded with the deed or easement. A model of the Project Agreement is included in Appendix H. These actions require the recommendation of the agency's commissioner, and approval of the Land for Maine's Future Board.

Q5. What are "matching funds" and what guidelines apply?

- A. All projects are expected to have a match greater than or equal to 1/3 of the total eligible project costs. This means that for every \$2 of LMF funds there must be \$1 of match funds. At least 70% of the match must be in the form of land, cash, or other

² For further information contact Cindy Smith, Department of Marine Resources (Tel # 624-6550, email csmith@maine.gov) or Jim Connors, State Planning Office (Tel. 287-8938, email jim.connors@maine.gov)

tangible assets. The value of lands or interest in lands acquired within 2 years of the date of project application maybe used as tangible match when the property interests have a direct relationship to the project. No more than 30% of the match can be the value of services customarily associated with land or interest in land acquisitions (appraisal, survey, title work, legal work, ecological and archeological inventory) defined by the LMF statute as “intangible” match. Match is discussed further under each proposal type.

Q6. When is municipal or county approval of a land acquisition required?

A. Approval by the elected municipal officials is required when more than 1% of a municipality's state valuation is considered for acquisition by the Land for Maine's Future Program. Approval by the county commissioners is required if land proposed to be acquired lies within unorganized territory and constitutes more than 1% of the state valuation within that county.

Q7. What interests in land may be purchased by the Program?

A. The LMF can support acquisition of a full range of interests in land including:

- fee simple acquisition;
- less-than-fee simple interests including, but not limited to, conservation easements, access easements and other permanent interests in land.

Q8. Can the LMF fund be used to fund capital improvements?

A. The LMF Fund can only be used to fund minor capital improvements on acquired lands to improve public access, as long as these improvements do not exceed 5% of appraised value of the acquired property and as long as these improvements do not compromise the original intent for which the property was purchased. In the case of the purchase of development rights on farms, up to 5% of the appraised value may be used to develop a business plan and capital improvement for the farm.

Q9. What does the law exclude from consideration?

A. The law specifically excludes using bond funds to acquire any of the following:

- buildings or other structures unrelated to the intended use of the property,
- land for facilities or organized recreational activities; (e.g. ballparks, tennis courts, or playgrounds).
- capital improvements on any publicly owned facilities; and
- land of which the primary use value will be as commercially harvested or harvestable forest land.

Q10. What types of land are identified by the law as eligible for potential acquisition?

A. The law identifies eligible lands as those that contain:

- recreation lands;
- prime physical features of the Maine landscape;
- areas of special scenic beauty;
- farmland or open space;

- undeveloped shorelines;
- wetlands;
- fragile mountain areas;
- habitat for plant or animal species or natural communities considered rare, threatened, or endangered in the State;
- public access to recreation opportunities or those natural resources identified above; and
- lands with other conservation, wilderness or recreation values.

Potential applicants are strongly encouraged to review the LAPAC report for further discussion on conservation priorities among these resources (see Appendix D). The report is available from the LMF staff and is on the LMF website.

Q11. What is a Farmland Protection Project?

- A. A Farmland Protection Project can provide Maine farmland owners with an alternative to selling farmland to other land development use and preserve strategic agricultural lands. The Land for Maine's Future Program works in partnership with the Maine Department of Agriculture, nonprofit cooperating entities, towns and farmers to develop proposals focused specifically on farmland protection for consideration by the LMF Board. In addition, federal funds are available through the USDA Farm and Ranch Lands Protection program to be matched with LMF Funds. LMF typically supports the acquisition of agricultural easements (also known as conservation easements or the purchase of development rights). However, LMF may also support the acquisition of farmland in fee by a project partner (town or land trust) if there is a clear commitment to keeping the land in agricultural production. In the case of an easement, a deed restriction is held by the State, a town or a local land trust which protects all current and future agricultural uses of the land by prohibiting all conflicting, non-agricultural uses (i.e. subdivision, housing development, etc.). The landowner is fully compensated for this restriction on a willing buyer - willing seller basis. This can help an existing farm landowner to maintain the availability of his or her farmland for agricultural production, forever. Agricultural conservation easements allow farmers to retain all other ownership rights; they can sell or continue to farm and they can diversify their agricultural enterprise and operation, they just can't grow houses. If they do sell, their land will be valued as farmland, which often makes it much more affordable for the next generation of farmers.

Q12. Who can propose land for acquisition by the Program?

- A. Anyone can nominate or propose land for acquisition by LMF Program with the sponsorship of a suitable state agency as long as the threshold criteria, the criteria of the sponsoring state agency, and basic information requirements are met. This must include full knowledge and agreement of the owner of the proposed property that his/her property is being proposed to the LMF Program.

Q13. When can proposals be submitted?

- A. Whenever the Board issues a call for proposals. Contact the Program Director for the opening and closing dates of the current proposal period. Proposal inquiries can be submitted any time during the year for a staff review and feedback (see Inquiry Forms in Appendices A and B). Anyone who has submitted an inquiry during the year will be notified when full proposals will be accepted. There is a separate application process for water access projects which may be processed at any time (see Section III).

Q14. How will the proposed properties be scored?

- A. After the information in a proposal is reviewed by the Program staff, the Board's Scoring Committee will review and assign scores and the Nominations Committee will identify issues/important proposal components and bring the top scoring projects in each land category to the full Board for detailed review. See Scoring System in Sections II and IV for the detailed scoring procedures.

Q15. Who will appraise the lands proposed for acquisition?

- A. If an appraisal has been conducted by or is available to an applicant it should be included as part of the proposal process. The Board may decide to accept an existing appraisal or may commission a new appraisal for the purpose of establishing a property's fair market value. Board appraisals will be undertaken only for properties that have been selected as finalists by the Board. If an applicant provides an appraisal to the Board and it is accepted, he/she may apply the documented cost of the appraisal as match. Any such appraisal must be an arm's length appraisal and must conform to the standards outlined in Appendices E & F.

Q16. Will LMF support projects when the landowner wants a price higher than the appraised value?

- A. The LMF Board will not typically participate in purchases which exceed fair market value as established by independent appraisal. This policy applies even where the extra funds are drawn from other sources. Such sales can create inflationary pressures and make future conservation projects even more expensive. In rare cases, the Board will consider exceptions to this policy (see policy on page 5). Applicants should consult program staff.

Q17. Who will negotiate for the Program?

- A. The Land for Maine's Future Board will designate a lead negotiator for each property. The negotiator may be a representative of the state agency that will hold title or of a designated cooperating entity.

Q18. How will an applicant know the status of his/her proposal?

- A. All applicants will be notified by mail as to the status of their proposals when the scoring and evaluation process is complete. If an applicant submits an Inquiry Form, he/she will receive a letter that invites the submission of a full proposal. The letter

may also provide guidance on whether the proposal is aligned with the Program's priorities. An applicant may call the Program staff at any time and inquire about the status of his/her proposal.

Q19. What considerations does the Board want to see reflected in conservation easements proposed for consideration?

- A. The Board may fund acquisition of conservation easements on parcels of land to protect key public values. Any easement proposal considered by the Board is expected to address the following elements:
1. Conservation purpose of the easement and description of concerned natural resources,
 2. Restrictions on development and subdivision (building, mining, road construction, etc.),
 3. Provisions for public access (pedestrian, water access, vehicle access, etc.),
 4. Accommodations for public use/recreation,
 5. Private uses to be maintained/continued, and
 6. See also Guidance for Working Forest Easements (*Appendix I and www.maine.gov/spo/lmf*)

State Agency Land Acquisition and Access Programs

Department of Conservation - Bureau of Parks & Lands

The Maine Bureau of Parks and Lands was created in 1995 when the former Bureaus of Parks & Recreation and Public Lands merged. The new Bureau manages approximately 481,000 acres of Public Reserved Lands, 92,000 acres of state park and historic site lands, 4,200 acres of Non-reserved Lands, 35,000 acres of conservation easements, 2,300,000 acres of the State's marine and freshwater Submerged Lands, and 1,325 public coastal islands containing approximately 1,109 acres. The Bureau is responsible for the following:

- 1 Acquiring and managing state parks, historic sites, certain snowmobile and ATV trails, boat launching sites, and public reserved lands and non-reserved lands;
- 2 Acquiring other interests in lands (e.g., conservation and recreation easements), and receiving gifts, to be managed as state parks, historic sites, public reserved lands and non-reserved lands, boat launching sites, and certain trails;
- 3 Managing some former institutional (non-reserved) lands, such as Pineland, Mackworth Island and Hebron, submerged lands beneath Great Ponds and the coastal waters, and more than 1,300 coastal islands;
- 4 Managing the Allagash Wilderness Waterway and lands within the Penobscot River Corridor Easement;
- 5 Coordinating management of the privately and publicly owned sections of the Appalachian Trail in Maine (in cooperation with the Maine Appalachian Trail Club and the Appalachian Mountain Club); and
- 6 Acting as Designated State Agency to monitor management of lands acquired with LMF funds by Cooperating Entities.

BP&L LAND ACQUISITION CRITERIA

To make the most of limited funds and limited staff for planning, negotiation, and resource management, the bureau will use the following criteria to establish priorities for initiatives to acquire land or conservation easements, by gift or purchase, which are developing at an unprecedented rate because of increases in available real estate and funding for land acquisition.

PROPERTY CHARACTERISTICS

Properties proposed for acquisition by the bureau should:

1. Qualify as a land type authorized to be owned and/or managed by BP&L as described in statute.

2. Be an inholding or abut land owned and/or managed by BP&L that will enhance or protect the values and/or opportunities of the parent property and/or reduce management costs or conflicts.

3. Contain natural/cultural resources and/or recreation opportunities of statewide or regional significance.

Statewide (including international) significance: the resources are documented as rare and/or exceptional in Maine or the recreational activities associated with the parcel will frequently and routinely attract users from across the state/out-of-state to enjoy the resource or recreational opportunity offered by the parcel.

Regional significance: the resources are documented as rare and/or exceptional in a region, or the recreational activities associated with the parcel will frequently and routinely attract users from a regional area (an area that is greater than the area included by the towns abutting the town(s) where the land is located), to enjoy the resource or recreational opportunity offered by the parcel.

(Multiple resources/opportunities: greater significance is attached to properties with multiple natural/cultural resources and/or recreation opportunities of statewide or regional significance.)

4. Have state or regionally significant resources and/or opportunities that need protection due to a documented threat of degradation or loss; or have significant recreation opportunities that should be secured to address a documented need. (Documented need from SCORP, LAPAC, *Strategic Plan for Providing Public Access to Maine Waters for Boating and Fishing* (IF&W & DOC), *Coastal Water Access Priority Areas for Boating and Fishing* (DMR), and other recognized sources)

5. Demonstrate the inadequacy or potential inadequacy of non-acquisition measures (e.g., regulation, and agreements) to protect/secure the state or regionally significant public values and/or opportunities associated with the property.

6. Include public vehicular access to the property or parent property; or can be reached via a public trailhead if access will be by trail; or can be reached via public boat launching site if access will be by water. In some cases, it may be more cost effective to identify key access roads and include them in future negotiations with landowners who control access between public roads and the property.

7. Have anticipated management responsibilities that are within the capability of the bureau and its partners.

8. Have anticipated uses and facilities that are consistent with municipal plans and ordinances meeting Growth Management Act standards.

9. Additional Criteria for Boat Access Facilities:

- a. Location of the water body in relation to population centers and other water access sites,
- b. Size of the water body and the diversity of recreational opportunities it offers,
- c. Value of fisheries opportunities based on IF&W and DMR evaluations, and
- d. Expected demand and diversity of uses of the site, current or anticipated.

10. Additional Criteria for Trails

- a. Includes a variety of landscapes,
- b. Provides connections to existing trail routes or trail facilities,
- c. Provides connections to other public recreation areas or community facilities, and
- d. Provides connections to needed services (parking, food, water, shelter, fuel, repair services).

PROJECT CHARACTERISTICS

LMF Acquisition projects undertaken by the bureau should include the following:

- 1. Willing Seller
- 2. Property available at appraised value or lesser amount
- 3. Clear title or title insurance
- 4. BP&L staff available for negotiation/support, or contracted negotiation/support services
- 5. Funds may be available for pre-acquisition costs (usually nonfederal sources):
 - Negotiation/support services
 - Legal Services (title search, option agreement, PSA, closing, closing pkg., etc.)
 - Appraisal
 - Environmental Assessment
 - Survey
- 6. Funds available for purchase:
 - Bureau Funds
 - Grants
 - Other
- 7. Easement review by Attorney General
- 8. Acceptable resource management strategy
- 9. Purchase approval by:
 - Director
 - Commissioner
 - Governor
- 10. Payment arrangements started 2 months prior to closing:
 - Financial order(s) signed
 - Allotment(s) established
 - Check arrangements made

Maine Department of Inland Fisheries & Wildlife

The primary mission of the Department of Inland Fisheries and Wildlife (DIF&W) is to conserve and enhance the fish and wildlife resources of Maine, and to provide for reasonable public access for use and enjoyment of these resources. DIF&W's programs are primarily funded by self-generated revenues, Federal Aid to Sport Fish and Wildlife Restoration, and other sources of federal funds.

DIF&W has been actively involved in the acquisition of land and conservation easements for wildlife conservation, management, and public use beginning in the late 1940s and early 1950s with Federal Aid in Wildlife Restoration funds (Pittman-Roberston Act of 1937). The major thrust of acquisition was to improve waterfowl nesting habitat. The passage of the Maine Coastal Island Registry, which went into effect in July of 1973 also had an influence on DIF&W's acquisition program, as more than 200 islands and halftide ledges with unique wildlife values were transferred to the Department for management.

In 1974, a \$4 million bond issue was approved by Maine citizens for the purchase of wildlife habitat by DIF&W. A second bond issue for the acquisition of habitat, in the amount of \$5 million, was approved by Maine voters in 1986.

Since the early 1990s, the Department has received about \$10 million in grants from the National Wetlands Conservation Act to acquire habitat within three major focus areas (Cobscook Bay, Pleasant Bay, and Merrymeeting Bay/Lower Kennebec River Estuary) identified as Maine's highest priorities in the North American Waterfowl Conservation Plan. In addition, nearly \$4 million has been acquired from the Coastal Wetland Grant Program for coastal island and wetland acquisitions.

DIF&W currently owns and manages approximately 120,000 acres of land. These lands represent a variety of habitat and recreational values, including large upland parcels, small marshes, coastal woodlands, seabird nesting islands, shorebird staging areas, and endangered and threatened species habitats. The primary management objective for each parcel is to maintain or create the highest quality upland or wetland wildlife habitat possible.

DIF&W's lands are also utilized by the public for many recreational pursuits. It has a policy to allow public access and recreational activities on these areas when they do not conflict with wildlife management objectives. Public recreational activities consist of "consumptive" wildlife uses such as hunting, trapping, and fishing, and numerous "nonconsumptive" uses such as wildlife watching. DIF&W's lands also serve as demonstration areas where the public can learn about wildlife and habitat management techniques.

Current acquisition initiatives are being funded with Federal Aid in Wildlife Restoration, National Wetlands Conservation Grants, and DIF&W funds dedicated to non-game and endangered species conservation. The overall direction established by Commissioner and his Advisory Board in 1986 is still followed today; however, it was updated in 1999 to reflect

broader department responsibilities and new funding opportunities. Specific projects are pursued in order to accomplish the following goals:

- enhance the effectiveness of existing wildlife management areas by expanding current boundaries;
- acquire from willing sellers, in-holdings or parcels abutting existing Department-owned wildlife management areas;
- acquire habitats essential to the management of State and Federal endangered and threatened birds and mammals;
- acquire from willing sellers privately owned coastal islands that are critical to populations of colonial nesting seabirds;
- establish new wildlife management areas where needed to protect important inland/coastal wetland and upland ecosystems; and
- provide an opportunity for public use and to demonstrate wildlife habitat management practices.
- Acquire land to allow the public to access bodies of water throughout the state.

In addition to the above, the Department is responsible for the administration of Federal Aid in Sport Fisheries Restoration (Dingle-Johnson Act of 1950), and the more recent Wallop-Breaux amendment to the Act, which expanded the funding base and requires a minimum expenditure of 12.5 percent of all monies apportioned to a state be used for motor boat access. This program is critical to help provide access for the public to Maine's lakes, ponds, and rivers.

Specific acquisitions are based upon input from Department personnel, public and private groups, and suggestions from individuals. A Department Land Acquisition Committee --- consisting of regional and research biologists and supervisors --- prioritizes proactive and reactive land acquisition opportunities and make recommendations to the Deputy Commissioner and Director of the Bureau of Resource Management.. This group then makes final recommendations to the Commissioner.

Department of Agriculture, Food & Rural Resources

The Maine Department of Agriculture, Food and Rural Resources is the State's lead agency dealing with all aspects of the food system from the field to the table. The Department's is organized into five Divisions – Agricultural, Natural and Rural Resources; Plant Industry; Animal Health and Industry; Market and Production Development; and Quality Assurance and Regulations – each of which is responsible for developing policies and programs that support and sustain Maine's farmers, farms and citizens.

The Division of Market and Production Development works with commodity groups, organizations and individual agricultural businesses to expand markets and improve business opportunities. In recent years, the Division has expanded its focus on agricultural viability to

identify ways that Maine farmers can retain - or gain access to – affordable, productive farmland. The Division's Farmland Protection Program works with the State agencies, towns, community groups and land trusts to secure productive farmland and sustain economically viable agricultural communities.

The Department initiated a farmland preservation project with the Land for Maine's Future Program (LMFP) in 1998 in conjunction with a grant under the USDA Farm and Ranch Lands Protection Program (FRPP). Criteria were developed in partnership with the Land for Maine's Future Program staff. The criteria reflect the Department's primary goal, which is to maintain farms in agricultural production. Purchase of a farm's development rights can provide an immediate benefit to the farmer while protecting prime farmland from development pressures and ensure that there will be ample farmland available for succeeding generations of farmers.

In 2001 the Department's Farmland Protection Program joined forces with Maine Farmland Trust, the University of Maine Agricultural Center, the University of Maine Cooperative Extension and Maine Organic Farmers and Gardeners to establish Maine FarmLink, a "matchmaking service," that connects prospective new farmers with prospective retiring farmers who are interested in protecting their farmland by selling to a next generation farmer.

In 2003 the Farmland Protection Program completed a strategic planning effort that brought farmers and folks from state, and local agencies and organizations, together to "find ways to keep farmland in the hands of farmers committed to sustaining Maine's agriculture." This plan recommends ways that the Department, farmers and Maine's citizens can work together to:

- Understand that agriculture is the highest and best use of farmland;
- Encourage public policies that support and strengthen the sustainability of Maine's nearly six thousand existing farmers and farms;
- Preserve for long-term use those agricultural properties and resources that are under severe threat of conversion;
- Promote programs that assist Maine's retiring farmers with farm transfer and retirement planning and Maine's current or new farmers with business planning and market development; and
- Recognize that the farmers are the stewards of Maine's rural working landscape

What is a Farmland Protection Project?

A Farmland Protection Project can provide Maine farmland owners with an alternative to selling farmland to other land development use and preserve strategic agricultural lands. The Land for Maine's Future Program works in partnership with the Maine Department of Agriculture, nonprofit cooperating entities, towns and farmers to develop proposals focused specifically on farmland protection for consideration by the LMF Board. In addition, federal funds are available through the USDA Farm and Ranch Lands Protection program to be matched with LMF Funds. LMF typically supports the acquisition of agricultural easements (also known as conservation easements or the purchase of development rights). However, LMF may also support the acquisition of farmland in fee by a project partner (town or land trust) if there is a clear commitment to keeping the land in agricultural production. In the case of an easement, a deed restriction is held by the State, a town or a local land trust which protects all current and future agricultural uses of the land by prohibiting all conflicting, non-agricultural uses (i.e. subdivision, housing development, etc.). The landowner is fully compensated for this restriction on a willing buyer - willing seller basis. This can help an existing farm landowner to maintain the availability of his or her farmland for agricultural production, forever. Agricultural conservation easements allow farmers to retain all other ownership rights; they can sell or continue to farm and they can diversify their agricultural enterprise and operation, they just can't grow houses. If they do sell, their land will be valued as farmland, which often makes it much more affordable for the next generation of farmers.

How does a farmer apply?

The Department of Agriculture is the only agency that can sponsor a farmer applicant and a farmland protection proposal to the Land for Maine's Future Program.

- Farmers who are interested must contact the Department's farmland protection specialist, Stephanie Gilbert at 287-7520, to schedule two site-visits to their farm.
- Each site visit includes a screening interview and plenty of time for everyone to ask questions and determine if the sale of development rights is a truly a workable option.
- If the farm family decides to proceed, Stephanie will submit a short pre-proposal the Commissioner of Agriculture's 5-member Farmland Advisory Committee for review. Farm families have the opportunity to review and edit the pre-proposals before it is submitted to the committee.
- The Commissioner's Committee determines which projects are to be sponsored to the Land for Maine's Future Program. Not all pre-proposals will be recommended to the LMFP.
- Those projects that are recommended by the Committee are given additional guidance and assistance from the Department to develop their proposal to LMF.
- The Department and farm family assemble a project team to undertake research, proposal development, soil testing, fundraising and farm business or farm transfer planning. The project team must include a representative of the local land trust, non-profit conservation organization, town or other entity eligible to hold the agricultural conservation easement. To be eligible the organization must demonstrate its capacity to

carry out farmland protection projects, hold agricultural conservation easements and sustain the long-term stewardship of protected lands.

- The farmers and project team also work together to apply for funds from the USDA Federal Farm and Ranch Lands Protection Program, which can provide up to 50% of the appraised value of a farm property's development rights.

Both the State and Federal programs are competitive.

After the proposal is submitted, the Land for Maine's Future and the USDA Natural Resource Conservation Service review and rank proposals according to prescribed criteria. The criteria focus on many attributes including the farm's agricultural soils and natural resources; business assets and viability; proximity to other farms, farm infrastructure and markets; and level of community investment and support. Not all Department sponsored projects succeed in becoming recommended as "finalists," by the Land for Maine's Future Board. Not all agency or organizational applicants will receive match funding through the Federal Farmland Protection Program.

How long does it take?

It typically takes 6-8 months for the farm family and the Department to explore the idea, form a project team and write a competitive proposal to the Land for Maine's Future Program. Once the Department submits a proposal to the Land for Maine's Future Program, it takes 3 - 4 months for the Land for Maine's Future Board to review proposals and make final recommendations. If a farmland project is recommended as a finalist, it usually takes an additional 12-24 months to close on the sale of the development rights.

How many LMF Farmland Protection Projects have been completed?

The Department and the Land for Maine's Future initiated the first farmland preservation project with the Land for Maine's Future Program in 1990. Since then sixteen projects have closed resulting in protecting 4,215 acres of prime farmland in 9 counties. Another four projects were recommended as finalists in Round 4 (2003-2004) and are currently pending.

Maine Department of Marine Resources

The Department of Marine Resources (DMR) mission is "to conserve and develop marine and estuarine resources; to conduct and sponsor scientific research; to promote and develop the Maine coastal fishing industries; and to advise and cooperate with local, state and federal officials concerning activities in coastal waters; and to enforce the laws and regulations necessary for these purposes..."

DMR has identified coastal water access as an issue of rising concern, especially in the southern part of the state. As waterfront property becomes increasingly valuable for summer homes, restaurants, marinas, and hotels, water access for commercial and recreational

fishermen is harder to find. The Public Access to Maine Waters Fund funded by The Land for Maine's Future set-aside for water access sites provides one avenue for preserving and developing coastal access sites.

DMR doesn't currently have a formal program for acquiring, holding, and managing coastal access sites and properties. However, DMR takes an active interest in coastal access issues and is working collaboratively with other agencies to identify areas of need and to encourage project proponents to apply for LMF funds. While the Department doesn't formally sponsor LMF proposals, it is ready to assist and advise on any proposals that create or improve access for salt water commercial or recreational fishing. The Commissioner of Marine Resources sits on the Land for Maine's Future Board. Coastal property proposals will be referred on a case-by-case basis to the most appropriate agency or cooperator for sponsorship and proposal development work.

The 2005 bond includes a \$2 million set aside to fund a Working Waterfront Pilot Program that is aimed at the protection of strategically significant properties whose continued availability to commercial fisheries businesses is essential to the long term future of this economic sector. This pilot program will be run by DMR with the assistance of the State Planning Office and others to identify and ready projects for funding by the LMFB.

Maine Coastal Program/State Planning Office

Established in 1978 and administered by the State Planning Office, the Maine Coastal Program is a partnership among local, regional, and state agencies and nonprofit organizations. Its mission is to balance conservation of the coastal environment with human demands and activities. The Coastal Program receives its funds under the federal Coastal Zone Management Act, a law administered by the National Oceanic and Atmospheric Administration.

Over the past 20 years, the Maine Coastal Program has assisted municipalities with creating, or improving, access to the shoreline of the state's tidal waters. The Coastal Program defines access broadly. Its intention is to get people to coastal waters or lands adjacent to them for an array of activities, whether it is to pursue their livelihoods, enjoy views, launch a boat, walk along a path by the shore, or view wildlife. For example, from 1985 to 1991, the Coastal Program awarded grants to more than 70 communities for projects such as boat launching sites, wharfs and piers, and land acquisition. Since 1994, it has offered Right of Way Discovery Grants to communities -- small grants with which towns have researched and inventoried public access ways to the coast.

The Coastal Program has, from time to time, a small matching fund to assist certain projects that apply for Land for Maine's Future funds. The Program also provides technical assistance to the Land for Maine's Future Program, and to municipalities or other cooperating entities that seek to acquire coastal properties.

The Maine Coastal Program represents the State Planning Office as a key partner in the Maine Coast Protection Initiative, a coalition of land trusts, conservation organizations, and others working to increase the pace and quality of land conservation in the coastal zone. This Coalition has identified high priority resources for conservation that can be funded through the Coastal Estuarine Land Conservation Program (CELCP). So far CELCP projects have been funded by earmarks in the federal budget, but in the future funds for more competitive grants may be provided by Congress. The state CELCP is administered by the Maine Coastal Program.

Maine Atlantic Salmon Commission

The Maine Atlantic Salmon Commission (ASC) is a State agency whose mission is to “protect, preserve, enhance, restore and manage the Atlantic salmon and its habitat; to secure a sustainable recreational fishery in the State; and to conduct and coordinate all projects involving research, planning, management, restoration or propagation of the Atlantic salmon”. The ASC has its main office in Augusta and field offices in Sidney, Bangor, and Jonesboro.

In addition to conducting basic research, ASC also monitors spawning activity by adult salmon, parr densities, smolt migration analysis, and returns to natal rivers by trapping adults at several locations. The ASC also conducts cooperative research and management activities with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. ASC is responsible for all Atlantic salmon stocking while the fish used for stocking are reared at the USFWS facilities at Green Lake and Craig Brook.

The ASC currently holds properties on several downeast rivers to protect riparian and aquatic habitat and to provide recreational access to these rivers as appropriate.

To learn more about the ASC go to their web site: <http://www.maine.gov/asc/> .

List of Contacts/Cooperating Entities

As any applicant begins to develop an application, he/she may seek information sources, conservation partners, and the required sponsorship from State agencies associated with the acquisition and management of public lands. The organizations listed below will assist you in this effort. If you need any further guidance, contact the Land for Maine's Future Program at (207) 287-1485.

Dept. of Agriculture, Food & Rural Resources
28 State House Station
Augusta, Maine 04333
tel: (207) 287-7520
Stephanie Gilbert

Maine Natural Areas Program
93 State House Station
Augusta, Maine 04333
tel: (207) 287-8045
Molly Dockerty

Maine Dept. of Conservation

Bureau of Parks & Lands
22 State House Station
Augusta, Maine 04333
tel: (207) 287-4911
Ralph Knoll

Maine Dept. of Inland Fisheries & Wildlife

41 State House Station
Augusta, Maine 04333
tel: 287-3128
Ken Elowe

Maine Dept. of Marine Resources

21 State House Station
Augusta, Maine 04333
tel: (207) 624-6558
David Etnier

Maine Coastal Areas Program

State Planning Office
38 State House Station
Augusta, Maine, 04333
Jim Connors

Non-Profit Organizations

The Nature Conservancy
Fort Andross
14 Main Street, Suite 401
Brunswick, Maine 04011
tel: (207) 729-5181

Maine Coast Heritage Trust
Bowdoin Mill
One Main Street
Topsham, Maine 04086
tel: (207) 729-7366

The Trust for Public Land
Maine Field Office
377 Fore Street
Portland ME 04101
tel: (207) 772-7424

Maine Land Trust Network
Megan Shore, Coordinator
c/o Maine Coast Heritage Trust
Bowdoin Mill, One Main Street
Topsham, Maine 04086
tel: (207) 729-7366

Maine Farmland Trust
P O Box 1597
Bucksport, Maine 04416
LouAnna Perkins, Executive Director
tel: (207) 496-6465

Note: For the name of your nearest land trust, please contact the Maine Land Trust Network (www.mltn.org) or the Land for Maine's Future Program.